1841

SUPREME COURT OF THE UNITED STATES.

No. ~~202.~~ 182

THE UNITED STATES, LIBL'S AND APPELLANTS,

vs.

THE SCHOONER MANDOLINE AND CARGO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

GOVERNMENT PRINTING OFFICE.

SUPREME COURT OF THE UNITED STATES.

No. 292.

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vs.

THE SCHOONER MANDOLINE AND CARGO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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1 United States district court, eastern district of Louisiana.

THE UNITED STATES OF AMERICA
against
THE SCHOONER MANDOLINE, HER TACKLE, &C., AND CARGO. } In prize.

To the Honorable Edward H. Durell, judge of the district court of the United States for the eastern district of Louisiana:

The libel of information in prize filed herein by Rufus Waples, attorney of the United States for the eastern district of Louisiana, on behalf of said libellants and of the naval captors in interest, respectfully represents to this honorable court:

First. That the schooner or vessel called the Mandoline, with the goods, wares, and merchandise laden therein, was captured as lawful prize on or about the 13th day of Ap'l, 1864, and brought to this port by the United States st'r Nyanza, A. L. Washburn, United States navy, commanding.

Second. That the schooner or vessel called the Mandoline, with the goods, wares, and merchandise laden therein, were at the time of such capture, and are now rightfully subject to such capture, and were and are lawful prize, and as such should be condemned and forfeited to the use of the libellants.

Third. That the said schooner or vessel called the Mandoline, with the goods, wares, and merchandise laden therein, have been brought to the port of New Orleans, and are now at said port, and within the jurisdiction of this honorable court.

Fourth That by reason of the premises, the said schooner or vessel called the Mandoline, her tackle, apparel, and furniture, with the goods, wares, and merchandise laden therein, became and are liable to condemnation and forfeiture as lawful prize, and should be condemned and forfeited as lawful prize to the libellants.

That all and singular the premises are and were true, and within the jurisdiction of this honorable court; in attestation whereof, the said attorney exhibits the said vessel's papers, and the documents, &c., found on board, together with the testimony of the witnesses, duly taken *in preparatorio* by the prize commissioners appointed by this honorable court, which are or will be duly filed in the registry of this court.

Wherefore the said attorney of hte United States, on behalf of the said United States, prays the usual process and monition of this honorable court against the said schooner or vessel called the Mandoline, and her tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein, in this behalf to be made, and that all persons interested in the said vessel and her cargo may be cited to answer in the premises; and that all due proceedings being had therein, this honorable court may be pleased to decree for the condemnation and forfeiture aforesaid, and that the said schooner, her tackle, apparel, and furniture, with the goods, wares, and merchandise laden therein, may be condemned as lawful prize to the use of the said United States.

Dated New Orleans, Ap'l 23, 1864.

RUFUS WAPLES,
United States District Attorney.

2 Let admiralty process issue as prayed for Ap'l 25, 1864.
K. LOEW, *Dy Clk.*

3 The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded forthwith to seize, and into your possession

take, the schooner Mandoline, tackle, and cargo, now libelled by the United States for the causes set forth in the libel now pending in the district court of the United States for the eastern district of Louisiana; that you do cite and admonish the owner or owners and all and every other person or persons having, or pretending to have, any right, title, or interest in or to the same, to be and appear before a district court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have or can, why the said schooner and cargo should not be condemned as forfeited to the United States, sold, and the proceeds distributed according to law and agreeably to the prayer of the libellant; and how you have executed this warrant, that you make return according to law.

Witness the Honorable H. Durell, judge of the said court, at New Orleans, this 25th day of April, 1864, and the 88th year of the independence of the United States.

K. LOEW, *D'y Clerk.*

Marshal's return.

Rec'd April 25, 1864, and in obedience to the within warrant, seized and took into my possession the within named schooner Mandoline, her tackle &c., and cargo, posted copies of this warrant, libel, and order of the judge on the door of the court-house, and published monition in the N. O. Times, a daily newspaper printed and published in N. O., on the 26, 30 April, and 6, 10, and 14th May, 1864.

Re't May 16th, 1864.

JAS. GRAHAM, *U. S. Marshal.*

4 In the United States district court, eastern district of Louisiana.

UNITED STATES
vs.
SCHOONER MANDOLINE, HER TACKLE, APPAREL AND furniture and cargo. } No. 7866.

In obedience to an admiralty warrant, to me directed in the above-entitled suit, I have seized and taken into my possession the schooner Mandoline, her tackle, apparel, and furniture, and her cargo, now libelled by the United States for the causes set forth in the libel now pending in the district court of the United States. And I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having or pretending to have any right, title, or interest in or to the same, to be and appear at a district court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the date hereof, to show cause, if any they have or can, why the said schooner Mandoline, tackle, &c., and cargo, should not be condemned as prize forfeited to the United States, sold agreeably to the prayer of libellants, and the proceeds thereof distributed according to law.

United States marshal's office, New Orleans, 25th day of April 1864.

JAMES GRAHAM,
[ap.26 30 my 6 10 14] *United States Marshal.*

5 In the matter of the schooner Mandoline and cargo, a prize.

PRIZE COMMISSIONERS' OFFICE, *New Orleans, Ap'l* 27, 1864.

To the hon. the judge of the district court of the United States for the eastern district of Louisiana:

The undersigned, prize commissioners of the honorable court, respectfully

report that on the 23 day of April, A. D. 186 , they received notice from Act'g Master's Mate J. H. Mallon, of the U. S. st'r Nyanza, of which A. L. Washburne is comm'r and prize master of the sch'r Mandoline, that the said J. H. Mallon brought with him into this city a certain vessel called the Mandoline and cargo, as a prize of the U. S. st'r Nyanza; that said sch'r had been captured on Wednesday, the 13th day of April, 1864, on or about 6 or 7 o'clock p. m., in Atchafalaya Bay, standing SE., for violating the rules governing the blockade at present instituted by the U S. government. And the said Mallon and a prize crew had been appointed by said Washburne to bring said prize into this port, and report her as required by the law and the usages in such cases observed.

That the said prize master did seasonably deliver to us all such papers, passes, documents, &c., as were found on board of the captured schooner, and having a reference to and a connection with the captured property,
6 and which were in the possession, custody, and power of the captors, which documents were by one of us prize commissioners regularly marked and numbered from A to F, inclusive, being six in number, and the said prize master made a deposition identifying said documents and complying in all respects with the law; which deposition and the said documents are herewith transmitted to your honorable court.

That on the same day the said prize master produced to me witness, persons captured with the said to wit:

1st. W. B. Knight, owner of cargo of said vessel.
2d. David Reggio, captain of said vessel.
3d. George Gerod, seaman of said vessel.
4th. Ant. Valdestano, " of said vessel.

That we examined said 4 persons *in preparatorio* upon the standing interrogatories which have been adopted by the honorable court, as the same are found in Upton's Work on Prize Courts, (page 479, 3d edition.) That said witnesses were examined separately on oath, and not in pres-
7 ence of each other, and unattended by counsel, after each had taken the necessary and prescribed oath to make true answer, &c., which answers were written down as required by law, each one separately to each interrogatory; and when entirely answered the said answers were signed by each witness respectively, as the same are now transmitted to your honorable court.

That we proceeded aboard of said vessel, the Mandoline, and examined her condition, and that it was impossible to state whether bulk had been broken or not; that the cargo consists of about 20 bales of cotton, and that it is impossible to ascertain exactly the nature or quality of the cargo without an unloading and undelivery of the same, which proceeding we now recommend to the honorable court; that we secured the hatches of the said schooner with a view to the protection of the cargo until it is undelivered.

That we took possession of the said schooner and cargo on the 25th day of April, 1864, and turned over the same to Jas. Graham, U. S. marshal of this court, who is to safely keep the same until further order of the court. All of which, including the deposition of said Mallon, with the documents by him identified, and the answers to the interrogatories taken as above, are now securely sealed, and are hereby submitted to this honorable court and deposited in its custody.

T. B. THORPE, *U. S. Prize Commissioner.*

8 District court of the United States for the eastern district of Louisiana.

In the matter of schooner Mandoline and her cargo, a prize.

J. H. Mallon, prize master of the schooner Mandoline, detached from the

U. S. S. Nyanza, of which A. L. Washburne is commander, being duly sworn, deposes and says that the sch'r Mandoline was captured in Atchafalaya Bay on Wednesday, 13 April, about 6 or 7 a. m., standing SE., for violating the rules governing the blockade at present instituted by the U. S. government. And said Mallon deposes and says that certain papers, marked from A to F, inclusive, and further identified by the initial letters put on them by U. S prize commissioner, T. B. Thorpe, are the same that were captured with the sch'r Mandoline, and that the deponent has delivered to the prize commissioner each and every document, paper, and writing whatsoever, received by him relating to the aforesaid captured property in the same state and condition in which he received them, without "fraud, subornation, or embezzlement," and without any addition and alterations whatsoever, and he does not know, nor does he believe, that any of the documents are missing or wanting.

And deponent further says that if at any time hereafter, and before the final condemnation or acquital of said captured property any further or other paper relating thereto shall be found or discovered to his knowledge, they shall be delivered up or information thereof given to the prize commissioners of this district, or to the honorable court.

J. H. MALLON, *Act. Eng., U. S. N.*

Sworn to and signed before me, U. S. prize commissioner, this 23d day of April, 1864, New Orleans, La.

T. B. THORPE, *Prize Commissioner.*

9 UNITED STATES STEAMER NYANZA,
Berwick Bay, Ap'l 14, 1864.

SIR: I have the honor to forward to you by Prize Master J. H. Mallon all the papers found on the schooner Mandoline, which I captured under the following circumstances:

On the morning of the 13th of April, at 6 o'clock, I discovered her running out of Alchafalaya Bay, having run out of Vermillion Bay during the night. When I first saw her she was standing about southeast. Upon seeing this vessel she tacked and stood to the northward. I ran down to her and boarded her, her papers showing her to be, in my opinion, a lawful prize.

I have put a prize crew on board, and have ordered her to proceed to New Orleans and report to you.

Very respectfully,

S. B. WASHBURNE,
A. V. Lieut., Com'ding.

To Hon. E. H. DURELL,
Judge Admiralty Court, New Orl's, La.

10 District court of the United States for the eastern district of Louisiana.

In the matter of the schooner Mandoline and cargo, a prize.

Deposition of W. B. Knight, owner of the cargo, a witness produced, sworn, and examined in preparatorio on the 23 day of April, in the year eighteen hundred and sixty-four, at the prize commissioners' office, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana, the said witness having been produced for the purpose of such examination by Rufus Waples, esq., dist. att'y, in behalf of the captors of a certain vessel, called the sch'r Mandoline.

To the first interrogatory the witness answers: That I was born in the State of New York, and have come to the south for my health. I have lived

in the south most of the time since 1835. I am a citizen of the U. States. Am married. My family is now living at Des Chenieres Island, parish of Vermillion. I took my family there to get them out of the Confeder-
11 ate lines, the place being accessible to transports and gunboats. I had permission from Col. Chickering, military governor of the U. States at Opelousas last spring, to bringing my family out. This was last spring. At that time Vermillion was within the Federal lines, but at the present time it is under the control of the Confederate lines, and for that reason I have not been able to bring my family out. I was caught on this vessel because I had come here to get permission from the Federal authorities to bring my family away and remove them north, where all my connections are. The only chance I had to get out of the Confederate lines was the chartering of this vessel, and with the only means I could command I chartered this vessel, on which I had 20 bales cotton. After my vessel was ready to depart, the Texas soldiers (Confederates) seized the vessel, and I was detained some three weeks before I could get away. I
12 had to go to Texas and get permission from the military authorities there to depart. I held out to them that I was going to Tampico, a neutral port. My vessel was cleared for Tampico. They would not have allowed me to clear for New Orleans. When my vessel was taken I was within about 15 miles of Brashear City, under Federal control, where I intended to report my vessel. My vessel would have reached Brashear in three hours or four at most in day light. My vessel lay at anchor all night of Tuesday, the 13th inst., to avoid the shoals and bars. On Wednesday morning, April 13, while underway to Brashear City, having gone about three miles, my vessel was arrested by U. S. gunboat Nyanza. The Nyanza fired a gun and brought my vessel to. This was about sunrise of 13th April, 1864. I had the flag of the U. S. on board and no other. The U. S. flag was flying at the time of the capture of the vessel. The captured
13 vessel is of about 11 tons. She has been in Mendoa River ever since the war began, and never was out of the river until I took her out. The vessel was built about 1855 in Lake Pontchartrain, and was never engaged in running a blockade. There were no charts, sextants, or other papers relating to navigation on board, and no one but myself could read or write among the persons on the vessel. I am no sailor, and have never been at sea in my life. The men employed to bring my vessel to Brashear City were, however, well acquainted with the coast, and sailed altogether by their knowledge of the coast, having been in the coasting trade as a business before the rebellion. The vessel belongs to David Reggio, an Italian, who chartered it to me to bring me to Brashear City. Reggio and the men accompanying him have been peaceable men throughout the rebellion; have families, and have lived at home, quiet and peaceable citizen. I am certain that they have not taken the oath of allegiance to the Con-
14 federacy. These men are well and favorably known in New Orleans. They claim to be citizens of Italy, foreigners, and have not been disturbed by the Confederate authorities. Reggio would not have engaged to take me out of the Confederacy if he had thought he was doing an unlawful act. He knew that my clearance for Tampico was a necessity to get any clearance from the Confederate lines. The vessel would not have lived to reach Tampico; such a thing would have been impossible; our private understanding was that he was to bring me to Brashear City. The cargo consisted of cotton—20 bales of cotton, which is all the property I possess in the world. It was consigned to Lapene & Ferre, a French house in New Orleans that I traded with before the war. This commission house has permission, as I understand, from the Federal authorities to receive cotton from Vermillion. I was to give Reggio one third of the net

15 proceeds of the cotton for bringing me and the cotton to Brashear. I have lived permanently in Louisiana over 25 years. Since I first came to Louisiana I have lived in Arkansas some 8 years. My family consist of a wife and 7 children, whom I expect in this city by the first opportunity that enables them to leave their present home. I have been an ordained minister of the Baptist Church since 1850. Some of the time I have been acting as a missionary in Texas. My credentials, in possession of the prize master, will give dates. Since the rebellion broke out I have taken no part in the rebellion. Have not permitted myself even to talk politics Have taken no oath to the Confederacy. Have been looked upon with suspicion by my neighbors, and have been denounced as a Yankee, and
16 as one who sympathises with the Yankees. I have been untiring since the rebellion commenced to get myself and family out of the country. There are a number of persons in N. Orleans of high respectability who could testify to the truth of my statement regarding my loyal sentiments. I have taken the oath of allegiance to the U. States since my arrival in the city of New Orleans. It is in the nature of things impossible for any one to get beyond the Confederate lines to come under Federal protection. If my vessel had been suspected as being bound for Brashear it would have been burnt, and the cotton seized and destroyed.

W. B. KNIGHT.

Sworn to and subscribed before me, T. B. Thorpe, U. S. prize comm'r, this the 24th day of April, 1864. N. Orl's, La.

T. B. THORPE, *U. S. Prize Comm'r.*

17 District court of the United States for the eastern district of Louisiana.

In the matter of the sch'r Mandoline and cargo, a prize.

Deposition of David Reggio, captain, a witness produced, sworn, and examined *in preparatorio* on the 23 day of April, in the year eighteen hundred and sixty-four, at the prize commissioners' office, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana, the said witness having been produced for the purpose of such examination by J. H. Mallon, act'g m. mate of the st'r Nyanza, in behalf of the captors of a certain vessel called the .

To the first interrogatory the witness answers:

1. I was born in Genoa; I live in the parish of St. Landry, Louisiana; I have lived there about 7 or 8 years; I am a subject of the king of Italy; I am married; my wife lives in the parish of St. Landry.

2. I was present at the capture of the sch'r.

18 3. The capture was made about 10 or 12 days ago, about ½ mile outside of Pumpkin Bayou, in Berwick's Bay. The sch'r had no commission to make prizes. The U. S. st'r Nyanza made the capture. There were no other vessels in sight at the time of the capture. I have no idea why the capture was made.

4. We sailed under the U. S. flag, and had no other colors on board.

5. There was no resistance made; no guns fired. The st'r Nyanza captured us.

6. I do not know whether the Nyanza has any commission to make captures.

7. The schooner was named the Mandoline, and I was her captain. I owned the vessel.

8. The Mandoline is of about 11 tons burden. There were 4 men
19 on board, all told, at the time of capture; all belonged to the vessel.

9. I was the captain of the captured schooner; I owned the schooner;

the supercargo owned all the cargo, and I was to receive one third of the same to carry it for him to Bayou Bœuf Station.

10. I have owned the Mandoline 10 or 11 years; I got my bill of sale in the custom-house at New Orleans.

11. The schooner was bound to Bayou Bœuf Station. The voyage commenced in Marmentou River, and if possible we were to go back to the same place after taking and landing our cargo at Bayou Bœuf. The schooner had on board 20 bales of cotton, which she put aboard at a place called Cheniere, some 9 or 10 miles from the mouth of Marmentou River.

20 12. The schooner had on board her papers from Confederate authorities. I could not leave without them.

13. The vessel carried cotton for her cargo.

14. I owned the vessel, and the supercargo the cargo.

15. I bought the vessel 10 or 11 years ago in Bonfouca. I used her as a trading schooner in Mermentou, Vermillion, and White Rivers.

16. The cargo was put on board at Cheniere about 5 or 6 days before the capture.

17. I signed no bills of lading for the cargo.

18. I gave all my papers to the capturing vessel.

19. I cannot give the exact date on which the vessel was captured. The capture was made about a half a mile outside of Pumpkin Bayou, in Berwick's Bay.

20. Don't know.

21 21. Don't know.

23. The papers were not examined by any vessel but the Nyanza.

24. The schooner has never been out of Mermentou River since the war commenced. This was the first time. She was not running the blockade.

25. The sch'r has never been seized before.

26. The sch'r has been damaged by having her bulwarks broken. I have lost that.

27. The vessel is not insured.

28. We were to sell the cotton at Bayou Bœuf.

29. The cotton was raised in Louisiana, at a place called Cheniere.

30. The cotton was put aboard while the vessel lay alongside the wharf.

31. The papers were all given to the Nyanza.

22 33. Bulk was not broken during the voyage or since the capture.

34. No passengers on board.

35. All the papers were given to the capturing vessel.

36. The vessel was steering about east when captured.

37. I bought the vessel, as I said before.

38. There was nothing on board but cotton.

39. The vessel was bound on a voyage to Bayou Bœuf with a cargo of 20 bales of cotton, which she was to sell there for my and the supercargo's benefit.

40. The schooner never sailed under convoy.

41. Had never run the blockade.

42. Had no commission to make captures.

43. The schooner never sailed in company with any armed vessel or vessels.

his
DAVID + REGGIO.
mark.

Sworn to and subscribed before me this 23 April, 1864.

T. B. THORPE, *U. S. Prize Comm'r.*

23 District court of the United States for the eastern district of Louisiana.

In the matter of the sch'r Mandoline and cargo, a prize.

Deposition of George Gerod, seaman, a witness produced, sworn, and examined *in preparatorio* on the 23 day of April, in the year eighteen hundred and sixty-four, at the prize commissioners' office, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana, the said witness having been produced for the purpose of such examination by Rufus Waples, esq., in behalf of the captors of a certain vessel called the Mandoline.

To the first interrogatory the witness answers:

1. I was born in Lirourne, Italy; do now reside in Calcasieu Pass, La.; have lived there some 11 years; am an Italian subject; am married; got married at New York; my family resides at Calcasieu.

2. I was present at the capture of vessel and cargo.

24 3. We were taken at Berwick's Bay, at about ½ mile from Pumpkin Bayou, and were brought to the port of New Orleans. Our vessel is a merchantman, and had no commission to make prizes. I don't know for what reason we were taken. I suppose the capturing vessel thought we wanted to run the blockade.

4. We sailed under American colors, and had no other.

5. No resistance was made at the time of capture; on the contrary, we were glad that they captured us, because it was our intention to come here. We were taken by the U. S. st'r Nyanza. I think that's the name of the man-of-war. No other ship in sight or within signal distance at the time of capture. The captured vessel is a merchant vessel, and had no letters or commission to act as a privateer. The capturing vessel is a U. S. war vessel.

25 6. I can't tell whether the capturing vessel had any authority to take us. I believe she had no right, and ought not to have taken us, because our intention was to run to the port of New Orleans and seek the protection of the United States.

7. The name of the captured vessel is the Mandoline; her captain's name is Reggio. Reggio is the captain and owner of the vessel. I have known vessel and captain some 10 years. The Mandoline used to run along the coast. She traded between Vermillion and New Orleans. The captain's residence is in the parish of Vermillion, Louisiana. His wife and family live there, and have done so for 7 or 8 years. Captain Reggio is an Italian by birth. Don't think that he has been naturalized. I believe him to be an Italian subject.

26 8. The tonnage of the Mandoline is 10 tons and a fraction. The crew consisted in 2 sailors, the supercargo, and the captain—4 in all. They were all aboard when we started on our trip and when taken. 3 of the crew are Italians. The supercargo, Mr. Knight, is an American. Mr. Knight shipped the crew, one at Calcasieu and two at Mendao River, parish of Vermillion.

9. I belonged to the ship's crew as sailor. I had no interest in vessel or cargo.

10. I have known the vessel some 10 years. She run in the coasting trade between here and Vermillion, where the captain had a little store, at Mendao, Vermillion Parish. I saw the Mandoline for the first time at New Orleans. She had no guns. We were 4 men in all on board when taken; the same number when we sailed. The Mandoline is an American-
27 built vessel; was built at Bonfouca, Lake Pontchartrain; never knew her by any other name than the Mandoline.

11. We were steering direct for Berwick's Bay and New Orleans on the voyage in which we were taken. Our intention was to run into the Federal

lines and see if we could obtain some provisions to carry back to our families, where they are very scarce. You can hardly get any provisions at the place where I live, in the parish of Calcasieu. The voyage began at La Mendao, parish of Vermillion. The parish of Vermillion and that of Calcasieu are separated by a river called La Mendao. The voyage was to have ended at La Mendao for us others, (the seamen;) as regards the cargo, it was have ended at New Orleans The cargo consisted in 30 bales cotton, and had been put on board some 3 weeks ago at La Cheniere de la Mendao. There was no other goods on board; no contraband; no war materials whatever.

I have no knowledge at all as regards ship's papers; never saw any. All I know is this, that I was told we were going to New Orleans, for which place I shipped, and none other. If anybody would call on me to ship for the purpose of running any blockade, I would certainly refuse. I am not a blockade-runner; am not a soldier, and have not taken the oath of allegiance to the Confederate States. Do not meddle with politics. Try to make an honest living. The voyage began at La Mendao, Vermillion, and was to have ended for the sailors at La Mendao; for the cargo it was to have ended at New Orleans. She had the 20 bales cotton when she left and when taken.

13. I have already answered this. This cargo was put aboard in the present month, in the beginning thereof.

14. Capt. Reggio is the owner of the vessel; Mr. Knight of the cargo. Capt Reggio is an Italian; Mr. Knight an American.

15. The Mandoline has not been sold since Capt. Reggio had built her.

16. Cargo was put on board in the beginning of April, 1864. No one else interested in the cargo but Mr. Knight.

17. Don't believe there were any bills of lading for the cargo; did not see any. Saw no papers.

18. Don't know of any papers at all.

19. Can't state the latitude or longitude in which we were taken. The place where we were taken is Berwick Bay, near Bayou Teche and Pumpkin Bayou. No charter-party.

20. Don't know. No papers were thrown overboard or destroyed that I know of.

21. I knew that the place where we were captured was under a blockade. Our intention was to run there so as to be protected by the Union forces.

22. Berwick's Bay is under a blockade by the U. S. forces. We knew that well, and we made direct for it.

23. Our vessel had not been visited by any U. S. officer previous to the capture.

24. It is to my positive knowledge that the Mandoline never attempted to run any blockade. She never tried to slip out nowhere.

25. She had never before been seized or condemned.

26. I sustained no loss by the seizure, except my wages may perhaps be lost.

27. I don't think that the vessel or cargo was insured. She had been lying idle for nearly 4 years.

28. Had we arrived at our destination, the vessel would have belonged to Reggio and the cargo to Knight.

29. This cargo was produced at La Cheniere Island, La.

30. The cargo was put aboard from the wharf.

31. Such cargo is produced in other countries of the world.

32. No papers delivered.

33. No bulk broken.
34. No passengers; nobody secreted.
35. Don't know anything about papers.
36. We steered for Berwick's Bay when taken. Did not alter our course upon the appearance of the man-of-war. On the contrary, it was our intention to get captured and brought to N. O.

32 37. She has never been sold or transferred by Capt. Reggio. The capt. made his arrangements with Mr. Knight to bring his cotton to N. O.

38. No guns, munitions, or weapons on board.
39. I have fully stated all I know in regard to vessel, cargo, and destination.
40, 41, 42, and 43. The Mandoline has never sailed in the convoy of armed vessels; never cruised against property of citizens of the U. S. When we were on the eve of leaving Vermillion our vessel was taken by force by the Confederates for the purpose of transporting families from La Mendao to La Cheniere to protect them from the jayhawkers, who had made raids there, stolen what they could, and threatened the inhabitants.

his
GEORGE ⋈ GEBOD.
mark.

Sworn to and subscribed before me this 23 April, 1864.
T. B. THORPE, *U. S. Prize C mm'r.*

33 District court of the United States for the eastern district of Louisiana.

In the matter of the sch'r Mandoline and cargo, a prize.

Deposition of Antoine Valdetano, a witness produced, sworn, and examined in preparatorio on the 24th day of April, in the year eighteen hundred and sixty-four, at the U. S. prize commissioners' office, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana, the said witness having been produced for the purpose of such examination by J. H. Mallon, acting master's mate, U. S. N., in behalf of the captors of a certain vessel called the Mandoline:

1. To the first interrogatory, the witness answers that he was born in Italy; has a family; lives at Manton, State of Louisiana; owes allegiance to Italy; has never taken the oath of allegiance to the Confederate States.
2. Was present at the capture of the vessel.
3. The capture was made in Berwick's Bay, close to Bayou Pumpkin.

34 4. Sailed under American colors; had none other on board.

5. No resistance made to the capture.
6. The capturing vessel was the U. S. S. Nyanza. I presume she had authority to make captures.
7. The name of the captured vessel was Mandoline; her captain's name was Reggio; he was employed by Mr. Knight; Mr. Knight lives in Cheniere; has a wife and family.
8. The Mandoline is nearly 11 tons in size; there were 4 persons on board of her when seized—3 Italians, one American; all came on board at Manton River.
9. I belonged to the vessel as a sailor. The cargo belonged to the captain.
10. I have known the Mandoline nearly 11 years. She was never known by any other name. She was built in Louisiana.

35 11. The captured vessel was bound for Bayou Bœuf; the voyage began at Manton River and was to have ended in Bayou Bœuf Station.

Her cargo consisted of 20 bales of cotton. The cotton was put on board about 3 weeks ago at Manton.

14. The vessel belonged to David Reggio and the cargo to Mr. Knight. I know when Reggio bought the schooner. I know Mr. Knight owned the cotton, for it was in his possession. Mr. Knight was born in America. Mr. Reggio is an Italian. Never saw any bill of sale of the boat to Reggio and know nothing about the cotton except that it was in Mr. Knight's possession, and that he carted it to the vessel and put it on board.

16. The cargo was put on the vessel about the latter part of March or the first of April, 1864. I believe, if surrendered, the vessel will belong to Mr. Reggio and the cargo to Mr. Knight.

36 19. The vessel was captured on Wednesday, the 13th of April, 1864, in Berwick's Bay, about half mile from Pumpkin Bayou, about 15 miles from Brashear City.

20. I know nothing of any papers belonging to the vessel; never saw any papers.

21. I knew that Brashear, the place to which the captured vessel was bound, was blockaded by the vessels of the U. S. I knew this beacuse the people who came from there said so.

22. No notice was given the Mandoline not to run into Berwick's Bay by any U. S. vessel.

23. The register of the vessel was never examined by any U. S. officer that I am aware of before she was captured.

25. The Mandoline has never been seized as a prize.

26. I have sustained no loss, except possibly my wages.

37 27. The cargo and vessel were not insured.

28. If the vessel had reached Brashear, the cargo would have belonged to Mr. Knight.

29. The cargo was raised on the Grande Cheniere.

30. I assisted in putting the cotton on the vessel by orders of Mr. Knight. The cotton was hauled from Mr. Knight's gin-house in carts and loaded on the vessel from the bank of the river.

33. Bulk not broken during the voyage.

34. There were no passengers on the boat.

35.

36. The vessel at the time of her capture was steering for Bayou Pumpkin on her way to Berwick's River. She never altered her course in her voyage.

38. No guns or ammunition on board.

38 39. Capt. Reggio asked me if I would ship on board of the Mandoline for New Orleans. The captain said he was going to take some cotton to New Orleans, and I consented to go. I thought the American flag would protect us on the voyage. The captain told me that he had an American flag on board. The flag was on the boat in Manton Bayou, and because they had that flag I undertook the voyage. I was never told that the vessel was going to any port but New Orleans. My business is that of a sailor. I have never been on any voyage since the rebellion began except this voyage. I cannot write except my signature.

A. VALDETANO.

Sworn to and subscribed before me this 24th day of April, 1864. New Orleans, La.

T. B. THORPE, *U. S. Prize Comm'r.*

39 *Doc't A.*

Manifest of the cargo laden on board the schooner Mandoline, of Franklin, La., David Raggio, master, burden, ten 84-95 tons; bound from the port of Franklin, district of the Teche, Louisiana, to Tampico, Mexico, and a market.

Marks, J. P., D. R.; packages and contents, 13 bales cotton, 7 do.; weight, 9,000 lbs.; value at port of exportation, 10 cts. per lb., specie.

CONFEDERATE STATES OF AMERICA,
District of Teche, La., port of Franklin:

I, David Raggio, master of the schooner Mandoline, of Franklin, La., having sworn to the truth of the annexed manifest, and having paid the export duties thereon, permission is hereby granted to said Capt. David Raggio, of sch'r Mandoline, to proceed to the port of Tampico, in the republic of Mexico, and a market.

Given under my hand, [we have no seal, the enemy having possession of the port of entry,] at Franklin, this 18th day of March, in the year A. D. 1864, in Charleston, La.

W. H. HASKELL, *D'y Coll'r.*

40 DIST. OF TECHE,
Port of Franklin, in Charleston, La:

I, David Reggio, master of the Confederate schooner Mandoline, bound from the port of Franklin to Tampico, Mexico, do solemnly swear that the manifest of the cargo on board the s'd schooner, now delivered by me to the d'y collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof. And if any other goods, wares, and merchandize shall be laden or put on board the said vessel previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear that I verily believe the duties on all the foreign merchandize therein specified have been paid or secured according to law, and that no part thereof is intended to be relanded within the Confederate States, and
41 that if, by distress or other unavoidable accident, it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of customs of the district wherein such distress or accident may happen. So help me God.

DAVID his ✕ mark. REGGIO.

W. B. KNIGHT, *Supercargo.*

Sworn and subscribed to at the port of Franklin, in Charleston, La., of district of the Teche, State of Louisiana, on this 18th day of March, A. D. 1864, in Charleston, La., before me.

W. H. HASKELL, *D'y Collector.*

Ship's articles, marked B.

An agreement between David Raggio, master of the schooner Mandoline, and the several persons whose names are subscribed hereto. It is agreed by and on the part of the said persons, and they severally hereby agree, to serve on board the said schooner Mandoline, in the several capacities against their respective names expressed on voyage from district of Teche, La.,
42 thence to the port of Tampico, Mexico, and a market, for a term not to exceed 4 calendar months. And the said crew further engage to

conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to act at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master or other officers in everything relating to the said schooner Mandoline, and the material, stores, and cargo thereof, whether on board said schooner Mandoline, in boats, or on shore, in consideration of which services to be duly, honestly, carefully, and faithfully performed, the said master doth hereby promise and agree to pay the said crew, by way of compensation or wages, the amount against their names expressed respectively.

In witness whereof, the said parties have hereto subscribed their names on the day against their signatures mentioned.

Place and time of entry—Mermentou River, district of Teche, La. Men's names and capacities—David Reggio, master; W. B. Knight, sup. cargo; Ant. Valentano, navigator; George Zero, do.

43 *Doc't C.—Register of the Mandoline.*

Temporary Confederate States of America register of vessels.

In pursu*ing* of existing laws and an act of the Congress of the Confederate States of America, entitled "An act to provide for the registration of vessels owned in whole or in part by the citizens of the Confederate States," David Raggio, of Mermentou, La., having given bond and having taken or subscribed the oath required by law, and having sworn that he is the only owner of the ship or vessel called the Mandoline, of Franklin, La., whereof the said David Raggio is at present master, and is a citizen of the Confederate States, and that the said ship or vessel was built in Mississippi, in the year A. D. 1855, and he having sworn that the said ship or vessel Mandoline has one deck and two masts, and that her length is , her breadth, , her depth, , and that she measures 10 84-95 tons, that
44 she is a schooner, has a square stern and barrel head, as per license No. 17, issued at the port of Galveston, on the 25th day of Feb'y, 1859, now surrendered, property the same, David Reggio, owner.

And the said David Reggio having agreed to the description and admeasurement above specified, and sufficient security having been given according to law, the said schooner has been duly registered at the port of Franklin.

Given under my hand, [we have no seal, the enemy having possession of the port of entry,] at the port of Franklin, in Charleston, La., on this the 18th day of March, A. D. 1864.

W. H. HASKELL, *D'y Collector.*

This register expires in 4 calendar months from date.

W. H. H., *D'y Coll'r.*

Doc't D.

MERMENTOU RIVER, LA., *Ap'l* 3, 1864.

The schooner Mandoline and crew, consisting of David Raggio, master, W. B. Knight, sup. cargo, Ant. Valdetairo and George Zero, with her
45 cargo, as per manifest, will permitted to sail from said Mermentou River to sea, without let or hindrance.

W. J. HOWARTON,
Capt. com'd'g Co. C, Daly and Bell Cav., on detached service, guarding Calcasieu and Mermentou River, La.

Doc't E.

CONFEDERATE STATES OF AMERICA,
District of Teche, La.:

To all to whom these presents shall come:

Whereas the schooner Mandoline, of Franklin, La., of which David Raggio is

master, now ready to depart from the port of Franklin, La., for Tampico, Mexico, and other places beyond sea, with four persons, including the master of the schooner, therefore, by these presents do make known and certify that no plague or any dangerous or contagious disease at present exists in
46 the said district.

Given under my hand at the port of Franklin, district of Teche, La., on this 18th day of March, 1864, in Charleston, La.

W. H. HASKELL, *D'y Coll'r.*

We have no seal, the enemy having possession of the port of entry.

W. H. HASKELL, *D'y Coll'r.*

Do't F.—Credentials of W. B. Knight.

STATE OF LOUISIANA, *Parish of Claiborne.*

DEC. 15, 1852.

To all whom it may concern:

This is to certify that the bearer of this credential (W. B. Knight) was at the call of the Homer Baptist Church, after due examination, solemnly set apart by prayer and by the imposition of hands, and regularly ordained to the gospel ministry.

He is therefore fully authorized to minister at large in the Lord's
47 vineyard, wherever Divine Providence may direct his course, and to administer all the ordinances of the gospel on all proper occasions.

And we do hereby recommend him to the affectionate regard and confidence of all Christians, especially those of the Baptist denomination.

The abounding grace of God be upon Brother Knight.

Given under our hands the day and date above written.

SAMUEL HARRIS,
Pastor of the Baptist Church at Homer.
J. H. CUNNINGHAM.
J. Q. PRESCOTT.

Claim and affidavit of Wm. B. Knight, filed April 27, '64.

U. S. dist. court, east dist. of La.

THE UNITED STATES
vs.
SCH'R MANDOLINE, HER TACKE, APPAREL, FURNITURE AND CARGO.

48 And now comes into court Wm. B. Knight, a loyal citizen of the United States of America, and claims the cargo of the said schooner Mandoline as his sole property, and states that he is the sole owner of the said cargo.

And he denies that said cargo at any time was, or now is, rightfully subject to capture, or is liable to condemnation or forfeiture, or should be condemned or forfeited.

And the said claimant annexes to this his claim his affidavit, setting forth the facts upon which said claim rests.

Wherefore, the said William B. Knight prays that said cargo may be restored to him, and that he may have his costs and damages in this matter sustained decreed to him.

WM. B. KNIGHT.

(Signed) SULLIVAN, BILLINGS & HUGHES, *Proctors.*

Sworn to and subscribed before me this 27th April, 1864.

K. LOEW, *D'y Cl'k.*

49 *Affidavit annexed.*

THE UNITED STATES
v.
SC'R MANDOLINE, HER TACKLE AND CARGO. } Eastern district of Louisiana.

William B. Knight, being duly sworn, deposes and says that he is aged 47 years; that he was born in Dover, Dutchess County, State of New York; that he came to Louisiana in the year 1835, and resided first at Vermillionville, in Lafayette Parish; that he owns no real estate in any of the States in rebellion, and has no property in any of said States; that after the Federal forces, during the spring of 1863, had left said parish of Lafayette he was compelled to leave also; that when General Banks's army went away from that vicinity he tried to go, in connection with his family, with the said army; that he had a verbal permission from Col. Chickering, the Federal commander at Opelousas, to come with the army, but that the
50 army passed down the Teche, and he was unable to join it with his family, which consists of a wife and seven children.

That in Aug., 1863, he went to Grand Cheniere, a small island at the mouth of the Mentaon (Mermenton) River for the purpose of having his family, where he could easily remove them to within the Federal lines. That gunboats and transports of the U. S. had often passed the place. That after he arrived there he found no means of taking his family out. That after that time no vessel of the U. S. stopped there but once, at which time he was absent from home. That he determined to put all the little that he had into property which he could easily transport, and bring the same out with him. That accordingly in January last, he exchanged his two horses and a gig and other articles of property for cotton, in all 20 bales, which constituted the cargo of said schooner at the time she was seized, and which belonged entirely to this deponent.

51 That this deponent left his family on said island near the coast ready to follow him whenever he could get an opportunity to send for them, and with the intention of having them follow him to this city as soon as he could get them away from said locality. That he had to leave his family on said island because the taking of them would have disclosed his purpose of removing. That he found Capt. David Reggio, who owned a schooner which had been lying idle in Mentaon River since the rebellion broke out, and hired him to bring the said 20 bales of cotton and himself to Brashear City, he being desirous of bringing his boat to that place. That after this deponent was ready to load his cotton on board the Mandoline, the schr. of Capt. Reggio, and had procured a clearance for Tampico at Charleston, Calcasieu Parish, one of his neighbors, entertaining a suspicion that this deponent was coming within the Federal protection, sent for the Texas
52 cavalry, who came to Cottrel's store, where a portion of said cotton was, and one of whose officers prohibited this deponent from clearing or loading the said schooner unless he had the permission of Col. Griffin, who commanded the rebel cavalry at Sabine Pass, Texas. That this deponent procured Col. Griffin to have one of his captains to endorse his permission to pass out said schr. unmolested.

That although said schooner was cleared for Tampico, it was always the intention of this deponent to take the route which he did take and to come to Brashear City. That neither the capt. of said schooner (Reggio) nor either of the hands on board could read or write. That they had not provisions enough on board of her to last more than one half of the passage to Tampico, and that they had on board of her neither chart, nor sextant, nor other instrument for navigation.

53 That said schooner started on the 8th day of April, '64, and came

master, now ready to depart from the port of Franklin, La., for Tampico, Mexico, and other places beyond sea, with four persons, including the master of the schooner, therefore, by these presents do make known and certify that no plague or any dangerous or contagious disease at present exists in
46 the said district.

Given under my hand at the port of Franklin, district of Teche, La., on this 18th day of March, 1864, in Charleston, La.

W. H. HASKELL, *D'y Coll'r.*

We have no seal, the enemy having possession of the port of entry.

W. H. HASKELL, *D'y Coll'r.*

Do't F.—Credentials of W. B. Knight.

STATE OF LOUISIANA, *Parish of Claiborne.*

DEC. 15, 1852.

To all whom it may concern:

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He is therefore fully authorized to minister at large in the Lord's
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And we do hereby recommend him to the affectionate regard and confidence of all Christians, especially those of the Baptist denomination.

The abounding grace of God be upon Brother Knight.

Given under our hands the day and date above written.

SAMUEL HARRIS,
Pastor of the Baptist Church at Homer.
J. H. CUNNINGHAM.
J. Q. PRESCOTT.

Claim and affidavit of Wm. B. Knight, filed April 27, '64.

U. S. dist. court, east dist. of La.

THE UNITED STATES
vs.
SCH'R MANDOLINE, HER TACKE, APPAREL, FURNITURE AND CARGO.

48 And now comes into court Wm. B. Knight, a loyal citizen of the United States of America, and claims the cargo of the said schooner Mandoline as his sole property, and states that he is the sole owner of the said cargo.

And he denies that said cargo at any time was, or now is, rightfully subject to capture, or is liable to condemnation or forfeiture, or should be condemned or forfeited.

And the said claimant annexes to this his claim his affidavit, setting forth the facts upon which said claim rests.

Wherefore, the said William B. Knight prays that said cargo may be restored to him, and that he may have his costs and damages in this matter sustained decreed to him.

WM. B. KNIGHT.

(Signed) SULLIVAN, BILLINGS & HUGHES, *Proctors.*

Sworn to and subscribed before me this 27th April, 1864.

K. LOEW, *D'y Cl'k.*

49 *Affidavit annexed.*

THE UNITED STATES
v.
SC'R MANDOLINE, HER TACKLE AND CARGO. } Eastern district of Louisiana.

William B. Knight, being duly sworn, deposes and says that he is aged 47 years; that he was born in Dover, Dutchess County, State of New York; that he came to Louisiana in the year 1835, and resided first at Vermillionville, in Lafayette Parish; that he owns no real estate in any of the States in rebellion, and has no property in any of said States; that after the Federal forces, during the spring of 1863, had left said parish of Lafayette he was compelled to leave also; that when General Banks's army went away from that vicinity he tried to go, in connection with his family, with the said army; that he had a verbal permission from Col. Chickering, the Federal commander at Opelousas, to come with the army, but that the
50 army passed down the Teche, and he was unable to join it with his family, which consists of a wife and seven children.

That in Aug., 1863, he went to Grand Cheniere, a small island at the mouth of the Mentaon (Mermenton) River for the purpose of having his family, where he could easily remove them to within the Federal lines. That gunboats and transports of the U. S. had often passed the place. That after he arrived there he found no means of taking his family out. That after that time no vessel of the U. S. stopped there but once, at which time he was absent from home. That he determined to put all the little that he had into property which he could easily transport, and bring the same out with him. That accordingly in January last, he exchanged his two horses and a gig and other articles of property for cotton, in all 20 bales, which constituted the cargo of said schooner at the time she was seized, and which belonged entirely to this deponent.

51 That this deponent left his family on said island near the coast ready to follow him whenever he could get an opportunity to send for them, and with the intention of having them follow him to this city as soon as he could get them away from said locality. That he had to leave his family on said island because the taking of them would have disclosed his purpose of removing. That he found Capt. David Reggio, who owned a schooner which had been lying idle in Mentaon River since the rebellion broke out, and hired him to bring the said 20 bales of cotton and himself to Brashear City, he being desirous of bringing his boat to that place. That after this deponent was ready to load his cotton on board the Mandoline, the schr. of Capt. Reggio, and had procured a clearance for Tampico at Charleston, Calcasieu Parish, one of his neighbors, entertaining a suspicion that this deponent was coming within the Federal protection, sent for the Texas
52 cavalry, who came to Cottrel's store, where a portion of said cotton was, and one of whose officers prohibited this deponent from clearing or loading the said schooner unless he had the permission of Col. Griffin, who commanded the rebel cavalry at Sabine Pass, Texas. That this deponent procured Col. Griffin to have one of his captains to endorse his permission to pass out said schr. unmolested.

That although said schooner was cleared for Tampico, it was always the intention of this deponent to take the route which he did take and to come to Brashear City. That neither the capt. of said schooner (Reggio) nor either of the hands on board could read or write. That they had not provisions enough on board of her to last more than one half of the passage to Tampico, and that they had on board of her neither chart, nor sextant, nor other instrument for navigation.

53 That said schooner started on the 8th day of April, '64, and came

the most direct route to Brashear City, having been detained on the bar near the light-house in Vermillion Bay for three days. Starting from Cottrell's store, said schooner sailed through Vermillion Bay, through Morrison's Cut-off, through Atchafalaya Bay, and was just entering Pumpkin Bayou to avoid the wind and current, and to pass up that, when she was taken by the U. S. gunboat Nyanza.

That this deponent knew there were U. S. gunboats in the Atchafalaya and in all the neighboring waters, and that the captain of the Mandoline took no means to avoid them. That it was the intention of this deponent and the captain to give themselves up to the naval authorities of the U. S., in case they met them, or if they did not meet them, then to the military authorities of the U. S. That this deponent is a clergyman, of the Baptist persuasion, and has taken no part in the rebellion, but has, under all
54 circumstances, been firmly attached to the government of the U. S., and has expressed such attachment whenever he could with safety do so, and that his only purpose in coming with his cotton, and in hiring the Mandoline to bring him, was to come and remain where the government of his country could protect him.

That as soon as possible after his arrival at this city, this deponent took the oath of allegiance prescribed by the proclamation of the President of the U. S., dated Dec. 8, '63.

Deponent further says that he is the claimant of the foregoing claim named, and that said claim is a true and just claim, and that he shall be able to make due proof thereof.

W. B. KNIGHT.

Sworn to and subscribed before me this 27th Ap'l, 1864.

K. LOEW, *D'y Cl'k.*

Bond for costs.

55 UNITED STATES OF AMERICA,
Eastern district of Louisiana, ss. to wit:

Personally appearing before me, the undersigned, United States commissioner for the eastern district of Louisiana aforesaid, Wm. B. Knight as principal, and Jules Lapene as surety, do hereby acknowledge themselves jointly and severally to be indebted unto the U. S. in the full sum of $250 lawful money of the United States, to be levied of their goods, chattels, lands, and tenements, for the use of the said U. S. of America, and for the payment whereof they jointly and severally bind themselves, their heirs, executors, and administrators, firmly by these presents.

Whereas in the matter of the United States *vs.* the sch'r Mandoline and cargo, No. 7866 of the docket of the dist. court of the United States for the eastern district of Louisiana, a libel has been filed on behalf of the United States.

This obligation to be null and void, on condition that the said Wm. B. Knight shall abide by the final decree rendered in the cause, and pay all such costs, expenses, and damages, as shall be awarded by the court upon the final decree, whether it is rendered in the original or appellate court; otherwise, this obligation to remain in full force and virtue.

W. B. KNIGHT. [SEAL.]
J. LAPENE. [SEAL.]

Signed and sealed at the city of New Orleans, this 27th day of Ap'l, 1864, in presence of—

K. LOEW, *Clerk to U. S. Commissioner,*
in and for the eastern district of Louisiana.

56 *Claim and affidavit of David Reggio, filed 28th April, 1864.*

UNITED STATES
v.
SCH'R MANDOLINE AND CARGO.

And now comes into court David Reggio, a subject of the kingdom of Italy, and claims said schooner, her tackle, apparel, and furniture, as of his sole property, and states that he is the sole owner of said schooner, her tackle, apparel, and furniture. And he denies that said schooner, or her apparel, or tackle, or furniture, at any time was or now is lawful prize, or at any time was or now is rightfully subject to capture, or is liable to condemnation or forfeiture, or should be condemned or forfeited.

And the said claimant annexed to this his claim his affidavit, setting forth the facts upon which his said claim rests.

57 Wherefore the said David Reggio prays that said schooner, her apparel, tackle, and furniture may be restored to him, and that he may have his costs and damages in this matter sustained, decreed to him.

DAVID his ⋈ mark. REGGIO.

Sworn to and subscribed before me this 28th Ap'l, 1864.
K. LOEW, *D'y Clk.*

Affidavit annexed.

U. S.
v.
SCH'R MANDOLINE.

David Reggio, being duly sworn, deposes and says that he is a native of Italy, and a subject of that kingdom. That in the year 1826 he shipped from some port in Italy as a seaman on board a United States man-of-war, and was employed as seaman in the public ships of the U. S. till the year 1831. That in the year 1836 he came to Louisiana, in which State he has since resided. That he located at St. Lamdry in 1856, where he has

58 since lived. That a large part of the time since, until the present rebellion broke out, this deponent has kept a small store at Mentaon River, and during a portion of the time since 1854 down to the breaking out of the rebellion he has brought in crops and been engaged in the coasting trade between Mentaon River and New Orleans.

That by the breaking out of the rebellion he was thrown out of employment, and has since then had great difficulty in maintaining himself and family, which consists of a wife and 3 children.

That he is the owner of the schooner Mandoline, having purchased her in 1854 or '55. That since the rebellion began she has been entirely idle ; that this deponent has been unable to procure the requisite clearances from the Confederate military authorities for bringing her to the waters protected by the U. States out from the Mentaon River until, through the efforts of Wm. B. Knight, this deponent was enabled to obtain a clearance as is

59 hereinafter set forth.

Some time in Jan'y last I was applied to by Wm. B. Knight, to take my schooner and bring in 20 bales of cotton for him to some point from which it could be shipped to New Orleans and within the control of the U. S. forces

It was agreed between us that he should get a clearance for Tampico, Mexico, and that under that we should sail through Vermillion Bay, and as

soon as we were within the protection of the U. S. vessels give ourselves up to them, and with their consent sail to Brashear City or Bayou Bœuf. I was to receive one third of the proceeds of the cotton for bringing it in. I was glad to avail myself of Mr. Knight's offer. My purpose was, if it could be done with the consent of the authorities, to take provisions out for my wife and children, and make the effort to bring them out; but if it could not be done to find employment for myself and schooner here in some legitimate business; that the whole arrangement was made with a
60 view to do nothing contrary to the wishes of the U. S. authorities, and to claim their protection as soon as we could reach them. I had to wait until the clearance could be obtained, and then until Col. Griffin's endorsement (who commands the Confederates at Sabine Pass, Texas,) could be had. On the 8 h day of this month we sailed from Grande Cheniere, on the Gulf of Mexico, with the purpose of proceeding to the Federal authorities, and, if we did not meet them before, to place ourselves under their protection at Brashear City. As we were just entering Pumpkin Bayou, on the 13th, we were captured by the U. S gunboat Nyanza. We did not change our course; we had anchored during the night, and were just entering the bayou. We made no attempt to avoid the gunboat, and had no object in doing so. It was our purpose and wish to place ourselves under the first U. S. authority which we met. I have no property excepting the
61 said schooner. The claim hereto annexed is just and true. I have taken no part in the rebellion, and have done nothing to aid it. My purpose has been to extricate myself as soon as I could from the rebel authorities, and to bring my boat here. The opportunity presented by Mr. Knight's offer was the first reliable one which I have had.

his
DAVID ⋈ REGGIO.
mark.

Sworn to and subscribed before me this 28th April, 1864.

K. LOEW, *D'y Clk.*

Bond for costs.

62 UNITED STATES OF AMERICA,
Eastern district of Louisiana, ss. to wit:

Personally appearing before me, the undersigned, United States commissioner for the eastern district of Louisiana aforesaid, David Reggio as principal, and Jules Lapene as surety, do hereby acknowledge themselves jointly and severally to be indebted unto the U. S in the full sum of $250 lawful money of the United States, to be levied of their goods, chattels, lands, and tenements, for the use of the said U. S. of America, and for the payment whereof they jointly and severally bind themselves, their heirs, executors, and administrators, firmly by these presents.

Whereas in the matter of the U. States *vs.* sch'r Mandoline and cargo, No. 7866 of the docket of the dist. court of the United States for the eastern district of Louisiana, a claim has been filed on behalf of himself.

This obligation to be null and void, on condition that the said David Reggio shall abide by the final decree rendered in the cause, and pay all such costs, expenses, and damages as shall be awarded by the court, upon the final decree, whether it is rendered in the original or appellate court; otherwise, this obligation to remain in full force and virtue.

his
DAVID ⋈ REGGIO. [SEAL.]
mark.

J. LAPENE. [SEAL.]

Signed and sealed at the city of New Orleans this 27th day of Ap'l, 1864, in presence of—

K. LOEW, *Clerk to U. S. Commissioner in and for the eastern district of Louisiana.*

63 *Order cause fixed for trial, May* 18, 1864.

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO. } 7866.

On motion of the dist. att'y ordered that this cause be assigned for trial on Monday, 23d inst., at 10 a. m., and that the claimants be notified thereof.

Notice.

Mess. Sullivan, Billings & Hughes:

You are hereby notified that the above cause has been assigned for trial on Monday, the 23d inst, and at 10 a. m.

By order of court.

K. LOEW, *D'y Cl'k.*

N. O., May 18, 1864.

Service.

Rec'd May 19, 1864. Served a copy of the within notice of trial on Mr. Billings personally this day, May 19, 1864.

J. CHRISTIE, *D'y U. S. Marshal.*

64 *Order and continuance.*

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO. } 7866.

By consent of counsel this cause is now fixed for hearing on Wednesday, 25th inst., at 10 a. m.

May 24, 1864.

Hearing and continuance.

UNITED STATES
vs.
SCH'R MANDOLINE, &C. } 7866.

This cause came up for trial. Dist. att'y for libellants; Sullivan, Billings & Hughes for claimants.

And the pleadings being read, the dist. att'y moved the court to strike from the record so much of the claims and affidavits as is in the nature of an answer; which motion being resisted by the proctors of the claimants, the motion and cause were ordered to be contained till to morrow, 26th inst, at 10 a m.

65 *Extract from the minutes of* 25*th May,* 1864.—*Order cause fixed June* 2, '64.

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO. } 7866.

On motion of the dist. att'y ordered that this cause be assigned for hear-

ing on Saturday, 4th inst., at 10 a. m., and that the claimants be notified thereof.

Notice.

Mess. Sullivan, Billings & Hughes:

You are hereby notified that the above cause has been assigned for trial on Saturday, 4th inst., at 10 a. m.

By order of court.

K. LOEW, *D'y Cl'k.*

N. O., June 2d, 1864.

Service.

Rec'd June 2d 1864. Served on Mess. Sullivan, Billings & Hughes, by service in the hands of A. D. B. Hughes, a member of the above firm, same day.

D. CHRISTIE, *D'y U. S. Marshal.*

66 *Hearing, ruling, and submission, June 4th, 1864.*

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO. } 7866.

This cause came up this day on its merits as well as on the motion to strike out. Dist. att'y for libellant; Sullivan, Billings & Hughes for claimants. When after hearing counsel, it is ordered that the motion to strike out, made by the dist. attorney on the 25th May last, be overruled. And proceeding to hear the merits of the cause, the libellant offered in evidence the admiralty warr't, monition, and marshal's return, the testimony taken in preparatorio, and the papers found on the captured vessel. The claimant, Knight, offered in evidence his oath taken under the proclamation of the President of 8th Dec'r, 1863. And after argument the court reserved its decision in the case until a certified copy of the record in the case
67 of the U. S. *vs.* sch'r Gen'l C. C. Pinckney, lately decided by Mr. Justice Nelson, shall have been furnished by the claimants.

Amnesty oath offered in evidence by claimant Knight.

U. S. COMMISSIONERS' OFFICE,
Eastern Dist. of Louisiana, New Orleans, May 23d, 1864.

This is to certify that W. B Knight did on the 23 May, 1864, take and subscribe the oath prescribed by the President's proclamation of December 8th, 1863, and that the same is registered in this office for permanent preservation, bearing the number 130.

[SEAL.]
[5 cent stamp.]

K. LOEW, *Clerk to U. S. Comm'r.*

68 *Order to unload, June 11th,* 1866.

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO. } 7866.

On motion of R. Waples, dist. att'y, ordered that the marshal have leave to unload the cargo from the vessel, and to store the same in a place of safety.

Decree of restitution, 13 *Aug.,* '64.

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO.

For the reasons orally assigned by the court, it is ordered, adjudged, and decreed that the sch'r Mandoline be released from seizure, together with her tackle, apparel, and cargo, and restored to the possession of the claimants upon the payment of all costs and charges; each claimant paying costs in proportion to the amount involved in his claim.

Judgment rendered Aug. 13th, 1864; judgment signed Aug. 26th, 1864.

69 *Order allowing claimants to bond, Aug.* 26, '64.

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO. } 7866.

On motion of Sullivan, Billings & Hughes, proctors for the claimants, and upon suggestion that a decree of restitution has been rendered herein, it is ordered that the claimants have leave to bond the property libelled herein. That H. G. Heartt and Rd. Swain be appointed appraisers to value the same, and that the said property be delivered to the claimants upon furnishing a stipulation in the appraised value thereof with good and solvent security conditioned as the law directs.

Notice to appraisers.

To H. G. Heartt and Rich. Swain, esq.

Take notice that you have been this day appointed appraisers for the purpose of ascertaining the value of the property libelled in this case,
70 and you are to file the report of your appraisement within the shortest possible delay.

By order of court.

N. O., Aug. 26, '64.

K. LOEW, *D'y.*

Service.

Rec'd Aug. 26, 1864, and on the same day I served copies of the within notice of appraisment on Messrs. H. G. Heartt and R. Swain, at their office 27, Commercial alley, in this city.

D. CHRISTIE, *D'y U. S. Marshal.*

Appraisers' report.—Appraisement of cargo.

N. ORL'S, *Aug.* 29, '64.

SIR: We, the undersigned, duly appointed appraisers, have examined the 13 bales, one bag, and 1 lot of loose cotton captured on the schr. Mandoline, from coast of Texas, and are of opinion that the actual market value or wholesale prices of the said cotton is, and we do therefore appraise the same, as follows:

71

Small A, 13 bales cotton, good ord'y, 450 lbs. each, say 5,850 lbs., a 170	$9,945
No mark. 1 bag, good ordinary, a 170	510
1 lot loose cotton, some damaged, containing 1,500 lbs., 150	2,250
	12,705

H. G. HEARTT.

To U. S. MARSHAL, *D. C. U. S., E. D. of La., N. O.*

Appraisement of vessel.

N. O., *Aug.* 29, 1864

SIR: We, the undersigned, duly app'd appraisers, have examined the sch'r Mandoline captured in the Gulf of Mexico from coast of Texas, and are of opinion that the actual market value or wholesale prices of the said schooner, and we do therefore appraise the same as follows:

Repaired on board the schooner Mandoline; about 3 years old; she is 37 feet long, 12 breadth of beam, 2 10 inches depth of hold, and is 10 20-95
72 tons burden; she has a trunk cabin and oak frame, is iron fastened, and has a centre board in her, and draws loaded 2 feet of water, and we value her at twelve hundred dollars, ($1,200.)

H G. HEARTT,
R. SWAIN, *Appraisers.*

To U. S. MARSHAL.

Appraisers' bill on cargo.

N. O., *Aug* 27, 1864.

In the matter of the sch'r Mandoline and cargo to appraisers' office, Dr.

Aug. 29, 1864, for apprs't of 13 bales, 1 bag, and 1 lot of loose cotton, 12,705, at 1 per cent.....	$127 05
Labor, yard expenses, turning out, assorting, dressing, sampling, marking, &c., 12,705, a ½ cent.....	63 52
	190 57

Appraisers' bill on vessel.

The Mandoline and cargo to appraisers' office, Dr.

Aug. 27, 1864, for apprs't of sch'r Mandoline, $1,200, a 1 per cent.	$12 00

73 *Oath of Heartt, appraiser.*

U. S.
vs.
SCH'R MANDOLINE, &C. } 7866.

I, H. G. Heartt, having been appointed appraiser to value the libelled property about to be bonded by the claimants, do solemnly swear that I will faithfully and impartially discharge my duties to the best of my ability and understanding So help me God.

H. G. HEARTT.

Sworn to and subscribed before me this 30 Aug., 1864.

K. LOEW, *D'y Cl'k.*

74 UNITED STATES OF AMERICA,
Eastern district of Louisiana:

Know all men by these presents that we, William B. Knight, claimant and owner of the cargo of the sch'r Mandoline, as principal, and Jules Lepene as sureties, are held and firmly bound unto the United States, libellant, in the sum of twelve thousand seven hundred and five dollars, lawful money of the United States of America, for the payment whereof to the said United States, or their assigns, we jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals, hereunto affixed by us at New Orleans, this 31st day of August, one thousand eight hundred and sixty-four.

Whereas an admiralty warrant was lately issued out of the honorable the district court of the United States of America for the eastern district of Louisiana at the suit of the United States *vs* sch'r Mandoline and cargo, her tackle, apparel, and furniture, and numbered 7866 on the docket of the said court, commanding the marshal to seize and take into his possession the said schooner and cargo, which has been seized accordingly, but has been released from said seizure, and delivered to W. B. Knight, the claimant and owner thereof, by reason of the signing, sealing, and delivery of these presents, said W. B. Knight having obtained leave of court to bond said property, and filed a claim thereto, which is now of record in the clerk's office of this court.

Now, the condition of the above obligation is such that if the said claimant and sureties abide by all the orders, interlocutory or final, of the court, and pay the said libellants the amount awarded by the final decree, rendered in court to which the process is returnable, or in any appellate court, then the foregoing obligation is to be void; but otherwise, shall remain in full force and virtue.

W. B. KNIGHT. [SEAL.]
J. LEPENE. [SEAL.]

Signed, sealed, and delivered in open court.
[50 cent stamp.]

75 United States district court, eastern district of Louisiana.

NEW ORLEANS, *Clerk's office, ss:*

UNITED STATES
vs.
SCH'R MANDOLIN AND CARGO. } No. 7866.

The President of the United States of America to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

Whereas Wm. B. Knight, claimant and owner of the cargo, hath obtained leave of court to bond the same, and which said order is now of record in this office, you are hereby authorized to release the said cargo, consisting of cotton, from seizure, and it to restore to the possession and custody of said claimant, he having given bond conditioned as required by said order and otherwise complying with the rules of the court, &c., and make return hereon of your doings in the premises.

Witness the Hon. Edward H. Durell, judge of said court, at New Orleans, this 31st day of August, A. D. 1864, and 89th year of the independence of the United States.

K. LOEW, *D'y Clerk.*

76 Received August 31, 1864, and the same day, month, and year, gave to the within-named W. B. Knight an order on the Planters' Press for the cargo of the sch'r Mandoline named within; the cargo having been discharged out of said schooner by an order of court, and by the U. S. marshal placed in said Planters' Press for safe keeping, as per order of the court.

JAS. GRAHAM, *U. S. Marshal.*

77 UNITED STATES OF AMERICA,
Eastern district of Louisiana:

Know all men by these presents that we, David Reggio, claimant and

owner of the schooner Mandoline, as principal, and as sureties, are held and firmly bound unto the United States, libellant, in the sum of twelve hundred dollars, lawful money of the United States of America, for the payment whereof to the said U. S., or assigns, we jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals, hereunto affixed by us at New Orleans, this 31 day of August, one thousand eight hundred and sixty-four.

Whereas an admiralty warrant was lately issued out of the honorable the district court of the United States of America for the eastern district of Louisiana, at the suit of the United States *vs.* sch'r Mandoline and cargo, her tackle, apparel, and furniture, and numbered 7866 on the docket of the said court, commanding the marshal to seize and take into his possession the said schooner and cargo, which has been seized accordingly, but said schooner has been released from said seizure, and delivered to D. Reggio, the owner and claimant thereof, by reason of the signing, sealing, and delivery of these presents, said David Reggio having obtained leave of court to bond said property, and filed a claim thereto, which is now of record in the clerk's office of this court:

Now, the condition of the above obligation is such that if the said claimant and sureties abide by all the orders, interlocutory or final, of the court, and pay the said libellants the amount awarded by the final decree, rendered in the court to which the process is returnable, or in any appellate court, then the foregoing obligation is to be void; but otherwise, shall remain in full force and virtue.

DAVID his ⋈ mark. REGGIO. [SEAL.]

J. LEPENE. [SEAL.]

Signed, sealed, and delivered in open court.

[50 cent. stamp.]

78 United States district court, eastern district of Louisiana.

NEW ORLEANS, *Clerk's office, ss:*

UNITED STATES *vs.* SCH'R MANDOLINE AND CARGO. } No. 7866.

The President of the United States of America to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

Whereas David Reggio, claimant and owner of said sch'r Mandoline, hath obtained leave of court to bond the vessel, and which said order is now of record in this office, you are hereby authorized to release the said sch'r Mandoline from seizure, and her to restore to the possession and custody of said claimant, he having given bond conditioned as required by the order of court and otherwise complying with the rules of the court, &c., and make return hereon of your doings in the premises.

Witness the Hon. Edward H. Durell, judge of said court, at New Orleans, this 31 day of August, A. D. 1864, and the 89 year of the independence of the United States.

K. LOEW, *D'y Clk.*

79 Received Aug. 31st, 1864, and the same day, month, and year, gave to the within-named David Reggio an order to Charles Rueff, the marshal's keeper of the sch'r Mandoline, to release said schooner and to take a receipt therefor, which receipt is hereto annexed and made part of this return.

JAS. GRAHAM, *U. S. Marshal.*

80 *Approval of bonds in open court.*

U. S.
vs. } 7866.
SCH'R MANDOLINE AND CARGO.

J. Lapene, the surety offered on the claimant's bonds, this day appeared in open court, and having proven his solvency to the satisfaction of his honor, was accepted, and signed the bonds in open court.—(Extract from the minutes of 31 Aug., '64.)

Petition of appeal, filed Aug. 31, '64.

U. S. dist. court, east. dist of La.

UNITED STATES
vs. } In prize.—7866.
SCH'R MANDOLINE AND CARGO.

To the Hon. Edw. H. Durell, judge of the district court of the U. S. for the east. dis't of Louisiana:

The petition of C. S. Kellogg, U. S. attorney, on the name and in the behalf of the United States of America, libellant herein, respectfully
81 represents that a final sentence and decree were entered on the 26th day of Aug'., 1864, in the above-entitled cause, in the U. S. dis't court for the eastern dis't of Louisiana, in and by which said final sentence and decree it was ordered, adjudged, and decreed that the schooner Mandoline be released from seizure, together with her tackle, apparel, and cargo, and restored to the possession of the claimants upon the payment of all costs and charges, each claimant paying costs in proportion to the amount involved in his claim. That said final sentence and decree is adverse to said libellant, and to his manifest injury and prejudice. That the matter in controversy exceeds the sum of $2,000. That your petitioner in behalf as aforesaid feels aggrieved by the rendition of said final decree, and is advised that the same is erroneous, and ought to be reversed. Wherefore your
82 petitioner, on behalf as aforesaid, doth hereby appeal from said final sentence and decree, to the Supreme Court of the United States, returnable on the first Monday of December next, and prays that this honorable court may grant him a suspensive appeal from said final decree, the same to operate as a supersedeas, and that the said final decree may be reversed, and such other decree thereupon made as to the said Supreme Court shall seem just, and that a transcript of the record and proceedings in this cause, duly authenticated, may be sent up to the Supreme Court of the United States without delay.

C. S. KELLOGG, *U. S. Dis't Att'y.*

Order.

A suspensive appeal, to operate as a supersedeas, is allowed in this case as prayed for, returnable in the Supreme Court of the United States the first Monday of December next, the appellant being by law dispensed
83 from giving bond and security in judicial proceedings.

August 31st, 1864.

E. H. DURELL, *Judge.*

Rule on appraisers, Sept. 6, '64.

THE UNITED STATES
vs. } 7866.
SCH'R MANDOLINE AND CARGO.

On motion of Sullivan, Billings & Hughes, of counsel for the claimants in

the above-entitled cause, and on suggesting to the the court that the fees charged by the appraisers in this case, made under an order of this court with a view to bonding the said schooner and cargo, is excessive and ought to be reduced, it is ordered that the said appraisers show cause on Friday, the 9th day of Sept., 1864, at 10 a. m., why the said fees should not
84 be reduced to such sum as the court may decide to be a reasonable compensation for the services rendered in making said appraisement.

Service.

Rec'd Sept. 7th, 1864, and on Wednesday, Sept. 7th, 1864, I served copies of the within rule on H. G. Heartt and R. Swain in person, respectively.

D. CHRISTIE, *D'y U. S. Marshal.*

Order taxing marshal's fees.

UNITED STATES
vs. } 7866.
SCH'R MANDOLINE AND CARGO.

Upon the motion of Jas. Graham, late marshal, and submission of detailed statements of his costs and disbursements in this case, it is ordered that the same be taxed as follows:

Costs	$45 50
Disbursements	401 80
	447 30

85 *Answer to rule, filed Sept. 9th, '64.*

UNITED STATES
vs. } 7866.
SCH'R MANDOLINE AND CARGO.

The appraisers in this case come into court and represent that in accordance with this honorable court the appraisers appointed, with their several assistants, repaired to the Planters' Press, where was stored 13 bales 1 bag and 1 lot of loose cotton. They, with their clerks, markers, samplers, laborers, classers, &c., &c., proceeded, in accordance with commercial usage recognized by the merchants and cotton factors of New Orleans of respectable standing for probity and honor, and personally examined each bale of cotton in order to give a correct and unbiassed opinion of the value, condition, and classification of said cotton to this honorable court.

We find a rule filed with objections to the charge of one per cent. and one half per cent. for charges. The commercial usage is 2½ per cent., and all charges recognized by the Chamber of Commerce, and I ap-
86 pend hereunto the stereotyped charges, which my friend Miles Taylor has always paid in the prize courts of Philadelphia and New York. The appraisers are from competent well-known merchants. Their duties are arduous.

1st. They must, to make their appraisements properly, watch the market, and in cotton particularly to be posted as to its fluctuations.

2d. They must know the buyers, and post the auctioneer who are reliable among the buyers.

3d After all the labor of the cotton-yard, superintending the same, they superintend the sales, obtaining purchasers to create competition and make large sales for the benefit of the United States.

In order to show the party or personal to this writ, I append the original appraisers' report.

The cotton was appraised at 17c. per pound, Aug. 29, quoted at
87 17c. The market advanced rapidly, and the principal put the cotton at auction on the 2d Sept., 1864, which hereunto appended, and received 19½ per pound, making for him $62 per bale, or on the 13 bales, $806.

The auctioneer, Montgomery & Bro., getting the advantage of our labor and talent, charges 1¼ per cent. for 10 minutes' cry, and the defendant paying all charges. I append the advertisement and sales of the 13 bales herein annexed.

The law of appraisement by competent merchants is not governed by law; it is governed by commercial usage; and it was a wise provision that competent and experienced merchants should.

And, to conclude, I desire the honorable judge to make a tariff of charges for appraisement under bonding and sales and appraisements under prize sales, and to prevent future annoyance by those who have no commercial laws to govern them, charge and receive pay in advance for trivial
88 services scarcely rendered.

All of which is respectfully submitted to your honor's consideration.

H. G. HEARTT,
RICH. SWAIN,
Appraisers.

Doc't appended.—Sale of bales cotton by Rich'd Nugent & Co.

186 . Sold to B. C., w'g lbs., at .

Charges.—Freight, $; charges as per B. L. & . River and fire insurance on $ per bale at per cent. Drayage, storage, labor, and wh'g, at 50 cents per bale, . Commission selling, at 2½ per cent., . Net proceeds, $.

RICHARD NUGENT & CO.

N. Orleans, , 186 .

The appraisement is already copied at page .

89 *Order on rule, Sept. 9th,* 1864.

UNITED STATES
vs
SCH'R MANDOLINE AND CARGO. } 7866.

The rule taken by the claimants on 6th inst. came up for trial. Miles Taylor and Sullivan, Billings & Hughes for pl'ffs in rule; H. G. Heartt, one of the def'ts in rule. When, after hearing argument, it is ordered that the rule be made absolute so far as to allow the appraisers one per cent. on the appraisement and no more, the pl'ffs in rule paying costs thereof.

90 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs.
SCH'R MANDOLINE AND CARGO. } No. 7866.

The United States of America to Wm. B. Knight, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States at its next term, to be holden in the city of Washington, D. C., on the first Monday of December next, to answer the appeal taken by the United States in this cause, and that you show cause then and

there, if any there be, why the judgment rendered against the said United States on 26th Aug., 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 31st August, in the year of our Lord 1864, and the 89th of the American independence.

E. H. DURELL, *Judge.*

91 Received the within citation of appeal to Supreme Court this 31st day of August, 1864, and on the same day, month, and year served a copy of the within citation of appeal on the within-named Wm. B. Knight in person, in the office of the U. S. marshal eastern district of Louisiana, No. 18 Royal street, in the city of New Orleans.

JAS. GRAHAM, *U. S. Marshal.*

New Orleans, August 31st, 1864.

92 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs. } No. 7866.
SCH'R MANDOLINE AND CARGO

The United States of America to David Reggio, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States at its next term, to be holden in the city of Washington, D. C., on the first Monday of December next, to answer the appeal taken by the United States in this cause, and that you show cause then and there, if any there be, why the judgment rendered against the said United States on 26th Aug., 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 31st August, in the year of our Lord 1864, and the 89th of the American independence.

E. H. DURELL, *Judge.*

93 Received the within citation of appeal to Supreme Court this 31st day of August, 1864, and the same day, month, and year served a copy of the within citation of appeal on the within-named David Reggio in person, in the office of the U. S. marshal of the eastern district of Louisiana, No. 18 Royal street, in this city.

JAS. GRAHAM, *U. S. Marshal.*

New Orleans, August 31st, 1864.

94 District court of the United States, eastern district of Louisiana.

I, Kilian Loew, deputy clerk of said court, do certify that the foregoing 93 pages do contain and form a correct and complete transcript of the original record, and of proceedings had, documents filed, and evidence adduced on the trial of the case of the United States *vs.* the schooner Mandoline and cargo, No. 7866 of the docket.

In testimony whereof, I grant these presents under my signature and the seal of said court, at the city of New Orleans, this 4th day of October, A. D. 1864, and the 89th year of the American independence.
[SEAL.]

K. LOEW, *D'y Cl'k.*

Filed 19th November, 1864.